



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
10/23/01				
First Named Applicant				
TITLE OF INVENTION				
ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

## **HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/224,558	SCHROIT, ALAN J.
	Examiner Gary B. Nickol Ph.D.	Art Unit 1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 4-2-01.
2.  The allowed claim(s) is/are 1-8, 12, 30, 32-34, 36-44 (re-numbered as 1-22).
3.  The drawings filed on 30 December 1998 are acceptable as formal drawings.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

6.  Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7.  Applicant MUST submit NEW FORMAL DRAWINGS
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8.  Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
<input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.	<input checked="" type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Wilson on April 12, 2001.

Claims were amended as follows: *(see last page for example)*  
- Gary

**Please cancel Claims 29, 31, and 35.**

In Claims 6 and 42, delete "topically," and "orally,"

In Claim 30, delete "29" and insert --- 3 ---

In Claim 30, delete "animal has a tumor." and insert --- cancer cell is comprised within a tumor. ---

In Claim 32, delete "31", and insert --- 30 ---

In Claim 32, delete "human has a tumor." and insert --- tumor is within a human. ---

In Claim 36, delete "12" and insert --- 33 ---

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In Claim 36, delete "animal has a tumor." and insert ---cancer cell is comprised within a tumor.---

In Claim 39, delete "37" and insert ---38---

In Claim 39, delete "human has a tumor." and insert ---cancer is comprised within a tumor.---

  
SUSAN UNGAR, PH.D  
PRIMARY EXAMINER

9/19/01

LIE

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6. The method of claim 5, wherein said composition is administered to said human [topically,] parenterally, [orally,] subcutaneously, or by direct injection into a tissue site.

[29. The method of claim 3, wherein said animal has cancer.]

30. The method of claim [29] 3, wherein said [animal has a tumor] cancer cell is comprised within a tumor.

[31. The method of claim 4, wherein said human has cancer.]

32. The method of claim [31] 30, wherein said [human has a tumor] tumor is within a human.

[35. The method of claim 12, wherein said animal has cancer.]

36. The method of claim [12] 33, wherein said [animal has a tumor] cancer cell is comprised within a tumor.

39. The method of claim [37] 38, wherein said [human has a tumor] cancer is comprised within a tumor.

42. The method of claim 12, wherein said composition is administered to said animal [topically,] parenterally, [orally,] subcutaneously, or by direct injection into a tissue site.